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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,255	09/21/2000	Uwe Hansmann	DE919990059US1	8947

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IBM Corporation
Intellectual Property Law Department
P O Box 218
Yorktown Heights, NY 10598

EXAMINER

ZIA, MOSSADEQ

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,255

Applicant(s)

HANSMANN ET AL.

Examiner

Mossadeq Zia

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2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 10 objected to because of the following informalities: inappropriate usage of trademarked name. Appropriate correction is required.

“10. The user authentication means according to claim 9, wherein said Smartcard being selected from a Java™ Card, a Smart Card for Windows™, or a Smart card based on the Mult OS operating system.”

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-12, 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent No. 5,721,781 Deo.
4. Regarding 1, 14, Deo show a method for controlling personal use of a device having operation which is controllable by an electronic control circuit, the method comprising the steps of:

reading user-related data from a user-associated user authentication means for processing by a device operation control logic (smart card, Deo, col. 2, line 55), the method being characterized by said user-related data comprising selective information concerning a

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user-desired type of operation of said device (application suited for the particular terminal, Deo, col. 5, line 38-40), reading operation type specific data from said device for processing by said device operation control logic (target application, Deo, col. 5, line 33-35), processing both data for providing a result, deciding according to said result if a user-desired type of operation of said device will be allowed or not, and enabling or preventing said desired type of operation of said device according to said decision (limits the value of transaction, authenticate, Deo, col. 3, , line 25-30, 41-44).

5. Regarding claim 2, 15, Deo shows claim 1 above, and further show said step of processing user related data and operation type specific data is performed at least partly on said user associated authentication means by means of computing resources comprised of said user associated authentication means (enter PIN, Deo, col. 3, line 25-30).

6. Regarding claim 3, Deo shows claim 1 above, and further show comprising the step of comparing current time information read from said device to predetermined time limits stored or said user authentication means for delimiting the duration of operation of said device (examine unexpired certificate, col. 10, line 40-41).

7. Regarding claim 4, Deo shows claim 1 above, and further show selectively controlling operation of TV devices where the step of reading operation type specific data comprises reading at least one of current date, current time, available channels, show view codes (Deo, col. 5, line 3-4).

8. Regarding claim 6, 16- 19, Deo shows claim 1-4 above, and further show selectively controlling operation of at least one computer device (determine the security level for that particular terminal, Deo, col. 3, line 40-45).

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9. Regarding claim 7, Deo shows claim 1 above, and further show a device, the operation of which is controllable by an electronic control circuit and being used as a controllable object (Deo, col. 4, line 51-57).

10. Regarding claim 8, Deo show claim 7 above, and further show that user authentication means arranged for interaction with an operation control logic for a device (Doe, col. 3, line 27-30).

11. Regarding claim 9, Deo show claim 8 above, and further show it being incorporated in a Smartcard (Deo, col. 4, line 36).

12. Regarding claim 10, Deo show claim 9, and further show, and further show said Smartcard being selected from a Java Card, a Smart Card for Windows, or a Smart card based on the Mult OS operating system (terminal has software resident, Deo, col. 5, line 17-19).

13. Regarding claim 11, shows claim 7 above, and further show and intended for performing the method steps comprising:

reading user related data from a user associated user authentication means for processing by a device operation control logic, the method being characterized by said user related data comprising selective information concerning a user desired type of operation of said device (ascertains the appropriate security level, Deo, col. 11, line 19-25), reading operation type specific data from said device for processing by said device operation control logic (authenticate the terminal, Deo, col. 11, line 45-49), processing both data for providing a result, deciding according to said result if a user desired type of operation of said device will be allowed or not, and enabling or preventing said desired type of operation of said device according to said decision (Deo, col. 12, line 24-26).

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14. Regarding claim 12, Deo shows claim 11 above, and further show that it is arranged for communicating with user authentication means arranged for interaction with an operations control logic (entered PIN received from terminal, Deo, col. 12, line 39-41).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 5, 20 are rejected under **35 U.S.C. 103(a)** as being unpatentable over Patent No. 5,721,781 Deo et al. in view of Patent No. 6,647,270 Himmelstein.

17. Regarding claim 5, Deo shows claim 1 above, but fail to show use for selectively controlling operation of cars where the step of reading operation type specific data comprises reading at least one of current date, current time, geographic position via a GPS interface, accumulated duration of use in a predetermined time interval.

However, Himmelstein teach a system that may have a card reader where the operator must place their card prior to the vehicle starting. This card can be a license with a magnetic strip or can be a smartcard that may identify the driver and the vehicle. This unique information regarding the vehicle (car) may also include the position (geographic position) of the vehicle, speed of the vehicle and rate of acceleration or deceleration as calculated by data obtained from the GPS receiver (Himmelstein, col. 4, line 4-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deo as per teaching of Himmelstein to gain the advantage of GPS receiver such that it receives signals from GPS satellites and calculates the position of the vehicle (Himmelstein, col. 1, line 54-55).

18. Regarding claim 20, Deo and Himmelstein shows claim 5 above, and further show a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for causing controlled personal use of a device having operation which is controllable by an electronic control circuit (Deo, col. 3, line 40-45).

19. Claim 13 is rejected under **35 U.S.C. 103(a)** as being unpatentable over Patent No. 5,721,781 Deo et al. in view of Patent No. 5,936,660 Gurantz.

20. Regarding claim 13, Deo show claim 12 above, but fail to further show characterized by being a Set top box for being added on a device being subjectable to the method steps.

However, Gurantz teach that a smart-card is inserted into the set-top box to decrypt premium programming (Gurantz, col. 2, line 15-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deo et al. as per teaching of Gurantz to gain the advantage of the state-of-the-art system that features a “replacement security” element such as “smartcard” (Gurantz, col. 2, line 11-13).

Conclusion

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mossadeq Zia whose telephone number is 703-305-8425. The examiner can normally be reached on Monday-Friday between 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mossadeq Zia
Examiner
Art Unit 2134

mz
4/22/04


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100